

# SENATE BILL 231

03

2lr0050

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By: **Chair, Finance Committee (By Request – Departmental – Disabilities)**

Introduced and read first time: January 20, 2012

Assigned to: Finance

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 14, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Individuals with Disabilities – Attendant Care Program**

3 FOR the purpose of altering the method used by the Attendant Care Program in the  
4 Department of Disabilities to determine sliding payment scales for certain  
5 eligible individuals; altering the description of a certain category of eligible  
6 individuals who are at risk of placement in a nursing facility or similar  
7 institution; authorizing the Secretary of Disabilities to waive a certain  
8 proportional requirement if there is a waiting list for certain eligible  
9 individuals; authorizing the Secretary to adopt certain regulations; prohibiting  
10 the removal of certain eligible individuals from the Program under certain  
11 circumstances; altering a certain definition; and generally relating to the  
12 Attendant Care Program in the Department of Disabilities.

13 BY repealing and reenacting, without amendments,

14 Article – Human Services

15 Section 7–401(a) and 7–402(a)

16 Annotated Code of Maryland

17 (2007 Volume and 2011 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Human Services

20 Section 7–401(d), 7–402(b), and 7–404

21 Annotated Code of Maryland

22 (2007 Volume and 2011 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Human Services**

4 7–401.

5 (a) In this subtitle the following words have the meanings indicated.

6 (d) “Eligible individual” means an individual who:

7 (1) is at least 18 years old and under the age of 65 years **AT THE TIME**  
8 **OF THE INITIAL ELIGIBILITY DETERMINATION**; and

9 (2) has a severe chronic or permanent physical disability that  
10 precludes or significantly impairs the individual’s independent performance of  
11 essential activities of daily living, self–care, or mobility.

12 7–402.

13 (a) (1) There is an Attendant Care Program in the Department.

14 (2) The purpose of the Program is to provide financial assistance to  
15 eligible individuals for attendant care services.

16 (b) The Department shall provide financial assistance in accordance with a  
17 sliding payment scale that the Department establishes by regulation **FOR EACH**  
18 **CATEGORY OF ELIGIBLE INDIVIDUALS DESCRIBED IN § 7–404(A) OF THIS**  
19 **SUBTITLE.**

20 7–404.

21 (a) (1) The Department shall ensure that at any given time at least 50%  
22 of the eligible individuals receiving financial assistance under the Program are:

23 (i) gainfully employed;

24 (ii) actively seeking employment; or

25 (iii) attending an institution of postsecondary or higher  
26 education, as defined in § 10–101 of the Education Article.

27 (2) The remainder of the eligible individuals receiving financial  
28 assistance under the Program shall be individuals who:

1 (i) reside in a nursing [home] FACILITY or similar institution  
2 licensed to provide chronic or intermediate care and who will be deinstitutionalized as  
3 a result of the Program; or

4 (ii) are [on an approved waiting list for] CERTIFIED BY AN  
5 ATTENDING PHYSICIAN OR CERTIFIED NURSE PRACTITIONER AS BEING AT RISK  
6 OF PLACEMENT IN a nursing [home] FACILITY or similar institution licensed to  
7 provide chronic or intermediate care IF ATTENDANT CARE SERVICES ARE NOT  
8 RECEIVED IN THE COMMUNITY.

9 (b) (1) SUBJECT TO THE AVAILABILITY OF FUNDS, THE SECRETARY  
10 MAY WAIVE THE PROPORTIONAL REQUIREMENT OF SUBSECTION (A)(1) OF THIS  
11 SECTION IN THE EVENT THERE IS A WAITING LIST OF ELIGIBLE INDIVIDUALS  
12 DESCRIBED IN SUBSECTION(A)(2) OF THIS SECTION.

13 (2) THE SECRETARY MAY ADOPT REGULATIONS TO ESTABLISH  
14 PRIORITIES AND PROCEDURES FOR A WAITING LIST OF ELIGIBLE INDIVIDUALS.

15 (3) AN ELIGIBLE INDIVIDUAL RECEIVING FINANCIAL ASSISTANCE  
16 MAY NOT BE REMOVED FROM THE PROGRAM TO ACHIEVE THE PROPORTIONAL  
17 REQUIREMENT UNDER SUBSECTION (A)(1) OF THIS SECTION.

18 (C) Financial assistance provided under the Program may not duplicate any  
19 other State or federal assistance for attendant care services that an eligible individual  
20 receives.

21 [(c)] (D) The Department shall limit participation in the Program to the  
22 number of eligible individuals who can be served with the funds appropriated for the  
23 Program in the State budget.

24 [(d)] (E) Each year, the Department shall review the eligibility of each  
25 individual receiving financial assistance.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 July 1, 2012.